

CHASE RIVELAND
Secretary



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STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

P.O. Box 9699, MS: FN-61 • Olympia, Washington 98504 • TEL: (206) 753-1573
FAX Number (206) 586-3676 SCAN 321-3676

July 28, 1992

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M. Street N.W., Room 222
Washington, D.C. 10554

SUBJECT: Docket CC 92-77

Dear Ms. Searcy:

The Washington State Department of Corrections respectfully submits the enclosed statements and replies to comments in the referenced action.

On behalf of the Department, I respectfully request the Federal Communications Commission specifically exempt inmate telephone services from requiring mandatory Billed Party Preference, no matter what other decisions may be decided in this rulemaking. This should be done in order for statutory state agencies to continue to provide security and safety of staff, inmates, and the public at large.

Sincerely,

A handwritten signature in cursive script that reads "John King".

John King, Director
Division of Management and Budget

JK:ssst

Enclosures

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AUG 4 - 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Billed Party Preference)
for 0+ Interlata Calls)
_____)

CC Docket No. 92-77

COMMENTS

OF THE

Washington State Department of Corrections

Dated: July 28, 1992

Name: John King, Director, Division of Mangement and Budget
Address: Department of Corrections
P.O. Box 41106
Olympia, WA 98504-1106
Telephone: (206) 753-1500

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In the Matter of)
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CC Docket 92-77

COMMENTS OF THE

State of Washington, Department of Corrections

COMES NOW, the Department of Corrections, State of Washington, by its Director, DMB, John King, and respectfully submits these comments in response to the Notice of Proposed Rulemaking issued by the Federal Communications Commission in the above-captioned rulemaking matter.

We hereby concur and adopt by reference as our own the comments of the Arizona Department of Corrections, the South Carolina Jail Administrators Association, the Commonwealth of Pennsylvania, and the American Public Communications Council, to be included in the above referenced proceeding.

Respectfully Submitted

By: 
Name: John King
Title: Director

Date: July 28, 1992

Organization: Department of Corrections
Address: Division of Management and Budget
P.O. Box 41106
Olympia, WA 98504-1106
Telephone: (206) 753-1500

SUBJECT: CC Docket No. 92-77

COMMENTS OF THE

DEPARTMENT OF CORRECTIONS, STATE OF WASHINGTON

Comes now, the Department of Corrections ("DOC"), State of Washington by its Director, Division of Management and Budget, John King, and respectfully submits these comments in response to the Notice of Proposed Rulemaking ("NPRM") issued by the Federal Communications Commission ("Commission") in the above captioned rulemaking matter.

1. The Department of Corrections is a statutory agency of The State of Washington, existing pursuant to the Revised Code of Washington ("RCW") 72.09 and having charged of the state correctional institutions (prisons, Pre-Release and Work Training Release facilities) and presently having custody of approximately 10,000 incarcerated felons.

2. The Department of Corrections has an interest in this rulemaking proceeding because of its potential impact upon the inmate collect call only (0+) telephone services operated at the various DOC institutions.

3. The Department of Corrections is not an aggregator, rather DOC enters into contracts with pay telephone vendors or aggregators to supply collect call only (0+) telephone services for inmate use. At present, DOCs telephone vendors provide approximately 600

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telephones at fourteen (14) prisons, two (2) Pre-Release facilities and fourteen work/training release facilities. Inmates, cannot originate sent-paid calls, or can inmates receive telephone calls. State law (RCW 9.73.095 (2) states that ("All personal calls made by inmates shall be collect calls only. The calls will be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.")

4. The Department of Corrections has a legitimate concern for maintaining the safety and security of its institutions, the staff, inmates and the general public.

5. In spite of the most careful of precautions, some inmates perpetrate criminal activity from within the institutions with one of the most prevalent criminal activities being telephone fraud. The needs of the institutions are unique in that the ability to control the criminal activity of inmates is of utmost importance.

6. The Department of Corrections believes that the Commission must make a distinction between public access pay telephones and controlled access ("0+") inmate telephone service. A controlled access telephone would be a telephone which is located in an area where the general public does not have access, such as a prison or correctional institution.

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7. There is significant Federal precedent to support excluding inmate telephone service for Billed Party Preference. The Commission specifically excluded inmate telephone services from the Telephone Operator Consumer Services Improvement Act of 1990 ("TOCSIA"), passed by Congress, requiring that all payphones allow callers to be able to reach the long distance carrier of their choice by dialing the carriers access code.

8. The Commission should, and must, create an exemption from requiring "equal access" by controlled access inmate telephone services located in correctional institutions. Such an exemption is necessary for the safety and security of institutions, the staff, the inmates, and the public at large.

The Department of Corrections respectfully requests the Federal Communications Commission to give careful and faithful consideration to the comments contained herein and to enact rules in accordance therewith.

Respectfully Submitted


By: John King
Title: Director

Dated: July 28, 1992

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